

08/28/2020

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

JULIA C. DUDLEY, CLERK
BY: H. Wheeler
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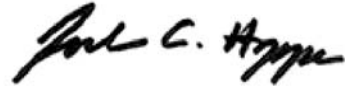
ELIZABETH SINES et al.,)	Civil Action No. 3:17-cv-00072
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
JASON KESSLER et al.,)	
Defendants.)	By: Joel C. Hoppe
)	United States Magistrate Judge

Before the Court is Defendants Michael Hill, Michael Tubbs, and League of the South's ("Defendants") Motion to Withdraw Exhibits and to Seal Exhibits ("Motion to Seal"). ECF No. 835. The exhibits Defendants request to file under seal were submitted in support of their motion for summary judgment. ECF No. 823, 823-1 — 64. Defendants also filed a Table of Exhibits that identifies the exhibits and describes many as being in the public domain. ECF No. 834. Defendants assert that the exhibits should have been classified confidential or highly confidential according to the protective order in this case and filed under seal.

The First Amendment provides a public right of access to court documents. *See* W.D. Va. Gen. R. 9, Commentary (discussing First Amendment and common law right of public access to court documents and citing *Va. Dep't of State Police v. Wash. Post*, 386 F.3d 567, 575 (4th Cir. 2004)). The Defendants' motion to seal does not comport with the procedures in Local Rule 9 or provide a legally adequate basis for sealing the exhibits. Moreover, the Table of Exhibits indicates that at least some of the exhibits are in the public domain. Accordingly, the motion to seal is hereby DENIED WITHOUT PREJUDICE. Defendants may refile a motion that identifies the exhibits sought to be filed under seal and provides a legally adequate basis, consistent with Local Rule 9, for sealing any exhibit.

It is so ORDERED.

ENTER: August 28, 2020

A handwritten signature in black ink, appearing to read "Joel C. Hoppe". The signature is written in a cursive, flowing style.

Joel C. Hoppe
U.S. Magistrate Judge